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(Additional counsel listed on signature page)

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

CREIGHTON TAKATA, individually and
on behalf of all others similarly situated,

Plaintiff,

v.

RIOT BLOCKCHAIN, INC., F/K/A BIOPTIX,
INC., JOHN O'ROURKE, and JEFFREY G.
MCGONEGAL,

Defendants.

3:18-cv-02293

**NOTICE OF MOTION AND
MOTION OF THE RIOT INVESTOR
GROUP FOR APPOINTMENT AS
LEAD PLAINTIFF AND
APPROVAL OF SELECTION OF
COUNSEL**

TO: ALL PARTIES AND THEIR COUNSEL OF RECORD

PLEASE TAKE NOTICE that on a date and time as may be set by the Court, at the United States District Court for the District of New Jersey, Kevin Ezell, Frank J. Kosarek, the Francis Kosarek Jr. Trust, Ben Hughes, Sue Hughes, and Lawrence Handler (collectively, the "Riot Investor Group") will respectfully move this Court, pursuant to Section 21D(a)(3) of the Securities Exchange Act of 1934, 15 U.S.C. § 78u-4(a)(3), as amended by the Private Securities Litigation Reform Act of 1995, for the entry of an Order: (i) appointing the Riot Investor Group as Lead Plaintiff on behalf of all persons and entities that purchased or otherwise acquired the publicly traded securities of Riot Blockchain, Inc. from November 13, 2017 through February

15, 2018, inclusive; and (ii) approving Lead Plaintiff's selection of Pomerantz LLP and Cohen Milstein Sellers & Toll PLLC as Co-Lead Counsel for the Class.

In support of this Motion, the Group submits a Memorandum of Law, the Declaration of Michael B. Eisenkraft filed herewith, the pleadings and other filings herein, and such other written and oral argument as may be permitted by the Court.

Dated: April 18, 2018

Respectfully submitted,

**COHEN MILSTEIN SELLERS & TOLL
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/s/ Michael B. Eisenkraft

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CERTIFICATE OF SERVICE

I, Michael B. Eisenkraft, counsel for Riot Investor Group and Proposed Co-Lead Counsel for the Class, certify that on this 18th day of April, 2018, I electronically filed the foregoing using the Court's CM/ECF system, and a copy of this filing will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

/s/ Michael B. Eisenkraft
Michael B. Eisenkraft